

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2022/0459
Responsible Officer:	Adam Susko
Land to be developed (Address):	Lot 2 DP 1145029, 33 A Myoora Road TERREY HILLS NSW 2084
Proposed Development:	Modification of Development Consent DA2017/0385 granted for Construction of a Private Hospital with associated car parking signage and landscaping
Zoning:	Warringah LEP2011 - Land Zoned RU4 Primary Production Small Lots WLEP Land identified in Schedule 1 Additional Permitted Uses. Refer to attached extract of WLEP2011
Development Permissible:	Yes, under WLEP 2011 Schedule 1 <i>Additional Permitted Uses Area 18</i>
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Gran-Dia Investments Pty Ltd Perpetual Nominees Limited
Applicant:	Perpetual Nominees Limited

Application Lodged:	05/10/2022
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	14/10/2022 to 04/11/2022
Advertised:	14/10/2022
Submissions Received:	1
Clause 4.6 Variation:	Nil
Recommendation:	Approval

PROPOSED DEVELOPMENT IN DETAIL

This Section 4.55(1A) Modification Application seeks to amend the approved private hospital approved under DA2017/0385.

The changes sought are generally minor and include a revised dock and services layout, additional driveway splay / crossing, an additional lift overrun (to the same height of other lift overruns), additional staff parking, and an amendment of several roof structures from Colorbond to concrete. The works include minor facade and fenestration amendments.

Herein this report these works are described as the 'development'.

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - B5 Side Boundary Setbacks
Warringah Development Control Plan - D11 Roofs

SITE DESCRIPTION

Property Description:	Lot 2 DP 1145029 , 33 A Myoora Road TERREY HILLS NSW 2084
Detailed Site Description:	<p>The site consists of a single allotment located on the western side of Myoora Road and is legally described as Lot 2 Deposited Plan 1145029. The site has an area of approximately 4.32ha. The site is an irregular shaped lot with two-street frontages, being Myoora Road to the southeast and Larool Road to the northwest.</p> <p>The site falls within the RU4 Primary Production Small Lots zone under the Warringah Local Environmental Plan 2011.</p> <p>The site was previously vacant, however construction and groundworks have commenced on site. The site contains a Coastal Upland Swamp on the southern portion of the site, adjoining the south-western boundary of the site.</p> <p>The general vicinity of the site is characterised by a mix of rural land uses, interspersed with large lot rural residential development and other land uses which service the needs of</p>

the community.

The adjoining site to the south is occupied by the German International School Sydney campus, and the Asset Protection Zone for the school campus exists along the north-eastern and north-western boundaries, and extends over the subject site to the north-east and northwest.

Further to the south-west to site adjoins the Terrey Hills Swim School. The properties to the north are currently used for residential purposes.

The locality is characterised by its open landscape setting associated with large lots, with a low scale and density of development and substantial setbacks to the public domain.

Map:



SITE HISTORY

Development Application no. DA2017/0385 granted by the Sydney North Planning Panel on 02 July 2018 for the construction of a private hospital with car parking, signage and landscaping.

The approved development has commenced on site, and is the parent application to this modification application.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all

relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;

- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2017/0385, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) - Other Modifications	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	<p>Yes</p> <p>The modification, as proposed in this application, is considered to be of minimal environmental impact for the following reasons:</p> <ul style="list-style-type: none"> • The modifications maintain protection of the coastal upland swamp and topographical features of the site. • The modifications result in no amenity impacts to neighbouring properties above and beyond that already approved on the site. • The modifications have a minimal visual impact when viewed from the public domain commensurate to the approved development.
(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2017/0385 for the following reasons:</p> <ul style="list-style-type: none"> • The modifications do not materially alter the height, footprint, envelope or density of the approved development. The capacity of the private hospital is not subject to change, and the physical changes to the facades are reasonably minimal and are generally related to material changes only. <p>On balance the modifications sought are largely non-discernible when viewed from the public domain.</p>
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern

Section 4.55(1A) - Other Modifications	Comments
<p>require,</p> <p>or</p> <p>(ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and</p>	<p>Beaches Community Participation Plan.</p>
<p>(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
<p>Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument</p>	<p>See discussion on “Environmental Planning Instruments” in this report.</p>
<p>Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument</p>	<p>There are no current draft environmental planning instruments.</p>
<p>Section 4.15 (1) (a)(iii) – Provisions of any development control plan</p>	<p>Warringah Development Control Plan applies to this proposal.</p>
<p>Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement</p>	<p>None applicable.</p>
<p>Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)</p>	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent in the parent application.</p>

Section 4.15 'Matters for Consideration'	Comments
	<p>Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is bushfire prone land and the parent development application was assessed as such by the Rural Fire Service. The modification application is accompanied by an addendum letter from a bushfire consultant which confirms that the development, as modified, does not change the bushfire requirements already endorsed by the parent consent. Therefore, no further bushfire conditions are required.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 14/10/2022 to 04/11/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:

Name:	Address:
Ms Susan Phillips	18 Terrigal Road TERREY HILLS NSW 2084

One submission was received in response to the public exhibition of this application which raised concern with environmental damages already done, and further damages that may be caused by a further reduction in landscaped area.

The development provides a compliant degree of landscaped area, and has been assessed by Council's Landscape Officer and Bushland Biodiversity Officer who, subject to imposed conditions of consent, raise no objections to the approval of this modification application.

Therefore the submission received does not warrant the refusal of the application.

The submission also queries whether the works applied for have already been commenced. From a review of the site, and from confirmation with the Applicant, it is considered that unapproved works have not commenced. Should the submitter have a different view to this they should contact Council's Building Compliance department and register a formal complaint to trigger an investigation.

REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>Supported, without additional conditions</p> <p>The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p>Supported, without additional conditions</p>
Landscape Officer	<p>Supported, without additional conditions</p> <p>The Modification documentation indicates that no additional trees are to be removed, however some loss of previously approved planting along the northern boundary is to be deleted to accommodate driveway access.</p> <p>Retention of the area as soft landscape would be preferable to provide a buffer to the adjoining site and to provide softening of the building.</p> <p>However, if the driveway is required for access compliance, deletion of this area would not be objected to. If the driveway is not essential, retention of the soft landscape area would be supported.</p> <p>The amended Landscape Plans and tree removals reflect the original approval, save for the modified northern area.</p> <p>Subject to the above, no objections are raised with regard to landscape issues.</p>

Internal Referral Body	Comments
	<p><u>Planner comment:</u> The driveway expansion is supported on traffic safety grounds. The proposal maintains a compliant landscaped open space. On balance the change sought is acceptable, even though it reduces the amount of landscaping on site.</p>
NECC (Bushland and Biodiversity)	<p>Supported, without additional conditions The current modification is predominantly contained within the approved buildings, and the changes to the landscaping to the northern boundary has been assessed by the Council Landscape team. The modification is unlikely to have a significant impact on the endangered ecological community and coastal upland swamp on site, and no impact on the Biodiversity Stewardship Agreement will result.</p>
NECC (Coast and Catchments)	<p>Supported, without additional conditions The supporting documentation is including the design of the Stormwater Quality System, Water Balance Model and Coastal Upland Swamp Recharge System. The current stormwater modification are unlikely to have a significant impact on water quality objectives and Coastal Upland Swamp management strategy.</p>
NECC (Development Engineering)	<p>Supported, without additional conditions <u>UPDATED COMMENTS 27/2/23</u> The revised modified stormwater plans and report have been reviewed and it can now be determined what the changes to the approve Development Application stormwater management system are. There is now a new stormwater connection point to Councils existing inlet pit in Myoora Road (near northern boundary). It is proposed to replace the lintel with a butterfly grate. This will be satisfactory in terms of inlet capacities as there are number of adjacent inlet pits in Myoora road.</p> <p>No objections to the modification subject to conditions.</p> <p><u>PREVIOUS COMMENTS</u> The stormwater plans have been reviewed and the following further information is required in accordance with Councils Water Management for Development Policy: 1) The stormwater plans detailing the the provision of on site stormwater detention are to be supported with the provision of a DRAINS model for Councils review . Summary information is to be included in a supporting Stormwater management report as required by Councils Water Management for Development Policy. 2) The minimum information (see clause 9.7.3)as required by councils above policy is to be detailed on the stormwater management plans and in the Stormwater management report. 3) Water quality requirements are also detailed in councils policy and are also to be detailed on the stormwater plans and in the Stormwater management report. The Coast and Catchment team will also need to review the stormwater management plans .</p>
Traffic Engineer	<p>Supported, without additional conditions DA2017/0385 was approved for the construction of a 2-3 storey</p>

Internal Referral Body	Comments
	<p>Private Hospital with associated car parking signage and landscaping at 33A Myoora Road, Terrey Hills.</p> <p>Mod2022/0459 has been lodged to seek consent for a series of minor changes to the approved DA including:</p> <ul style="list-style-type: none"> • revising the loading dock layout level • additional driveway splay for hardstand along the northern boundary • additional staff parking within the second floor and a concrete roof over Buildings 1 and 3 • additional lift to run from the Lower Ground Floor to the Second Floor <p>Traffic:</p> <p>No additional traffic impact due to the modification.</p> <p>Parking:</p> <p>The proposed changes will result in the overall parking arrangement being reconfigured however, the total parking provision of 136 car parking spaces will be unchanged.</p> <ul style="list-style-type: none"> · Basement level – 66 spaces including 4 accessible car parking spaces · Lower Ground Floor – 28 spaces · Level 2 – 42 spaces including accessible car parking spaces <p>Access and swept paths:</p> <p>The modification proposes an additional driveway splay and amendment to the loading dock.</p> <p>The amendment to the loading dock is satisfactory. Swept paths have been submitted and confirm that ingress and egress for a medium rigid vehicle will be available.</p> <p>There are some concerns with regard to the additional driveway splay. The applicants traffic consultant has recommended that 20m of kerbside parking restrictions be introduced on either side of the</p>

Internal Referral Body	Comments
	<p>vehicle crossover to Myoora road to ensure safe entry and exit of the 14m length Articulated Vehicle to and from the hard stand area. The swept path plots do not support the need for this length of parking restrictions with the truck appearing to be able to turn in and out without extensive lengths of parking restrictions.</p> <p>Councils preference is that the development will not impact on-street parking conditions. Any on-street parking changes will require reporting through the Local Traffic Committee but any changes beyond those conditioned in the consent relating to DA2017/0385 are not at this stage supported.</p> <p>Pedestrian safety: No concerns due to the modification.</p> <p>Bush fire evacuation plan: No concerns due to the modification.</p> <p>Conclusion</p> <p>The proposed modification can be supported from traffic engineering without any additional conditions beyond those already applied under DA2017/0385.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021, s2.48	Supported, no additional conditions
Integrated Development - Rural Fire Service - Rural Fires Act, s100B - Subdivisions and Special Fire Protection Purposes	<p>Supported, with conditions</p> <p>On 12 December 2022 the NSW RFS re-issued their General Terms of Approval (DA-2017-01439-S4.55-1) which are consistent with their previous GTAs.</p> <p>It has been confirmed by Council's Bushland and Biodiversity Officer that the GTA's do not conflict with any existing biodiversity conditions or requirements.</p> <p>A condition of consent is included in the recommendations of this report requiring the applicant adheres to the GTAs .</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP (Resilience and Hazards) 2021

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for vacant purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the hospital land use.

Warringah Local Environmental Plan 2011

Is the development permissible?	No
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

Development Standard	Requirement	Approved	Proposed	Complies
Height of Buildings:	8.5m	Up to 13m RL 204.06	Additional lift overrun but no increase in height*	No change to approved

* **NOTE:** This application introduces one (1) additional lift overrun structure with a maximum height to RL 204.06. This is depicted in yellow on *Elevation 03* in DWG 402 01 by Bureau SRH Architecture. This lift overrun shares a comparable RL with an immediate adjacent lift overrun, and sits further inward of the site above higher natural ground level.

Therefore, the modifications do not change the overall highest 'height of buildings' measurement and sustained compliance commensurate to the approved development remains.

Compliance Assessment

Clause	Compliance with Requirements
2.5 Additional permitted uses for particular land	Yes

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
6.2 Earthworks	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

Warringah Development Control Plan

Built Form Controls

Standard	Requirement	Approved	Proposed	Complies
B1 Wall height	7.2m	12.15m	Approved wall height maintained	No change
B4 Site Coverage	20% (8,064m ²)	16% (6,560m ²)	Approx. 17% (7,150m ²)	Yes
B5 Side Boundary Setbacks	(north-east) 7.5m	7.5m 1m to tank and pump rooms	Approved setbacks maintained with exception of ancillary structures (relocated and repositioned within setback)	No, see commentary later in report (satisfactory on merit)
	(south-west) 7.5m	7.5m	Approved setback maintained	Yes
B7 Front Boundary Setbacks	(Myoora Road) 20m	> 20m	Approved setback maintained	No change
B7 Front Boundary Setbacks	(Larool Road) 20m	> 20m	Approved setback maintained	No change
D1 Landscaped Open Space and Bushland Setting	50% (20,160m ²)	84% (33,868.8m ²)	83% (less 220m ²)	Yes

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B1 Wall Heights	Yes	Yes
B4 Site Coverage	Yes	Yes
B5 Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C7 Excavation and Landfill	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D1 Landscaped Open Space and Bushland Setting	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E4 Wildlife Corridors	Yes	Yes
E5 Native Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes

Detailed Assessment

B5 Side Boundary Setbacks

Part B5 *Side Boundary Setbacks* of the WDCP 2011 requires 7.5m side setbacks to both the north-eastern and south-western boundaries.

The parent development was approved with predominant 7.5m setbacks to the hospital structure, but included several variations to this for a water tank and pump-room located 900mm from the boundary with a width of 30m. The approved scheme also included a 13m² booster and gas meter enclosure structure with a nil front setback and located 2.5m from the north-eastern boundary.

Below is an extract of the approved plans, with structures within the 7.5m north-eastern side boundary high-lighted in red:

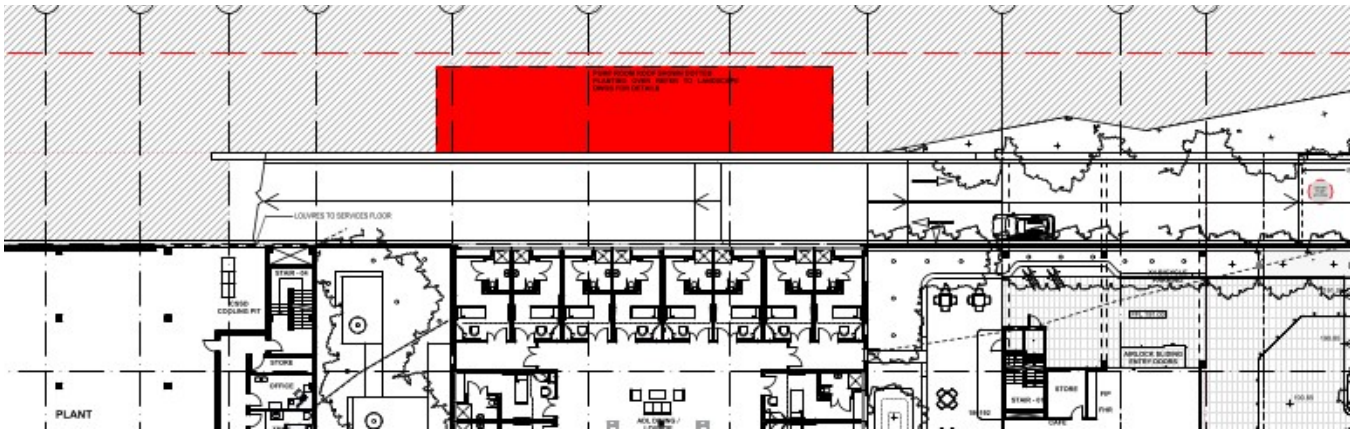


FIGURE 1: Extract of Approved Plans with red highlight showing approved structures within north-eastern side setback area.

This modification application amends the approved structures on the north-eastern boundary. The application consolidates the meter / booster room and service rooms shown in red in Figure 1, into the new footprint shown in red on Figure 2 below:

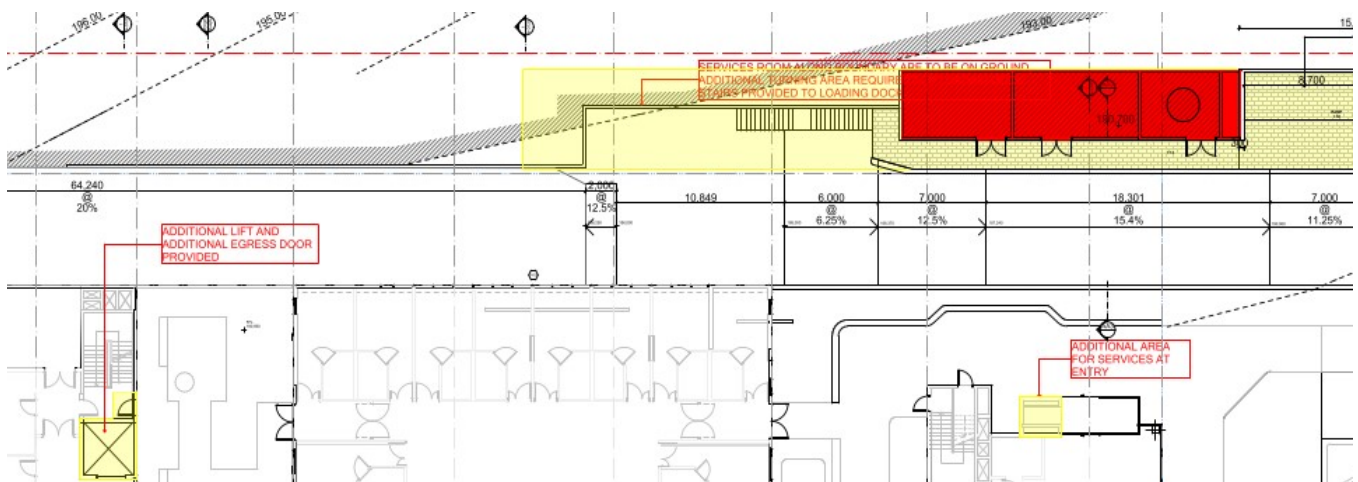


FIGURE 2: Extract of Proposed Plans with red highlight showing proposed provision of structures within the north-eastern side setback area.

The structure proposed measures 21m in length; is 1m from the loading side boundary; and is located 15m from the front boundary.

With regard to the consideration for a variation, the development is considered against the underlying Objectives of the Control as follows:

- **To provide opportunities for deep soil landscape areas.**

Comment: The development provides approximately 14,000m² of deep soil landscaping beyond what the development controls require under Part D1 *Landscaped Open Space*. The development therefore meets the control objectives.

- **To ensure that development does not become visually dominant.**

Comment: The position of a single storey structure 1m from a side boundary is non-compliant with Part B5, however it is not unprecedented within Myoora Road or the wider locality. Of note, the removal of the booster / meter structure from the front boundary to be inwards of the site

significantly 'opens up' the aspect of the site when travelling south-west on Myoora Road. Therefore on balance, the modifications proposed reduce the visual dominance of the development.

- ***To ensure that the scale and bulk of buildings is minimised.***

Comment: The structure in question is ancillary to a very large private hospital structure and, when viewed commensurately to that, or to the proportions of neighbouring buildings, the bulk of the buildings are minimised and accepted. To give context, the proposed 90m² footprint of the structure is generally consistent with the scale of (or less thereto) of the shed structures which proliferate the Terrey Hills landscape.

- ***To provide adequate separation between buildings to ensure a reasonable level of privacy, amenity and solar access is maintained.***

Comment: The proposed additions within the side setback area maintain the same setback as approved structures, albeit the footprint and location is different. The structure in question is some 120m from the dwelling at 35 Myoora Road and has a landscape screening buffer of 1m to the north-east.

- ***To provide reasonable sharing of views to and from public and private properties.***

Comment: The modifications are not anticipated to be causal of any unreasonable view impacts from private properties or the public domain.

Having regard to the above assessment, it is concluded that the proposed development is consistent with the relevant objectives of WDCP and the objectives specified in s1.3 of the Environmental Planning and Assessment Act, 1979. Accordingly, this assessment finds that the proposal is supported, in this particular circumstance.

D11 Roofs

The proposed modifications seek to replace portions of approved metal roofing with concrete roofing which will match other approved roofs on the site. The balance of difference between the two is negligible from a planning perspective and thus no objections to this modification are raised.

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2022

Section 7.12 contributions were levied on the Development Application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2022/0459 for Modification of Development Consent DA2017/0385 granted for Construction of a Private Hospital with associated car parking signage and landscaping on land at Lot 2 DP 1145029,33 A Myoora Road, TERREY HILLS, subject to the conditions printed below:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By

394 Site Plan Proposed 01	11 August 2022	Bureau SRH Architecture
395 Basement Floor Plan 01	11 August 2022	Bureau SRH Architecture
396 Lower Ground Floor Plan 01	11 August 2022	Bureau SRH Architecture
397 Ground Floor Plan 01	11 August 2022	Bureau SRH Architecture
398 Level 01 Floor Plan 01	11 August 2022	Bureau SRH Architecture
399 Level 02 Floor Plan 01	11 August 2022	Bureau SRH Architecture
400 Roof Plan 01	11 August 2022	Bureau SRH Architecture
401 Elevations - Sheet 01 01	11 August 2022	Bureau SRH Architecture
402 Elevations - Sheet 02 01	11 August 2022	Bureau SRH Architecture
405 Materials and Finishes 01	11 August 2022	Bureau SRH Architecture

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

c) The development is to be undertaken generally in accordance with the following:

Landscape Plans		
Drawing No.	Dated	Prepared By
101 Landscape Master Plan E	4 August 2022	Arcadia
102 Landscape Plan 01E	4 August 2022	Arcadia
103 Landscape Legend E	4 August 2022	Arcadia
104 Planting Schedule E	4 August 2022	Arcadia

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Add Condition No.2A - Compliance with Other Department, Authority or Service Requirements - to read as follows:

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
NSW Rural Fire Services	NSW RFS Response - DA-2017-01439-S4.55-1	12 December 2022

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website www.northernbeaches.nsw.gov.au)

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Adam Susko, Principal Planner

The application is determined on 28/02/2023, under the delegated authority of:



Steven Findlay, Manager Development Assessments